

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
DELTA DIVISION

JARELL D. TERRY  
ADC #149998C

PLAINTIFF

v. **No. 2:19-cv-134-DPM-JTR**

**J. DYCUS, Deputy Warden, East  
Arkansas Regional Unit Max, ADC, et al.**

DEFENDANTS

**ORDER**

On *de novo* review, the Courts adopts the recommendation as modified, *Doc. 77*, and overrules Terry's objections, *Doc. 91*. FED. R. CIV. P. 72(b)(3). The Court agrees with Magistrate Judge Ray's decision to address exhaustion first. *Jones v. Bock*, 549 U.S. 199, 219 (2007). If he has exhausted his administrative remedies, Terry will have ample opportunity to make his case—including discovery and an argument on the merits.

Terry's motion for partial summary judgment and motion for judgment on the pleadings, *Doc. 47* & *Doc. 62*, are denied without prejudice. An *in forma pauperis* appeal from this Order would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

15 January 2021